

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 GEORGIA-PACIFIC CONSUMER
11 PRODUCTS LP, a Delaware limited
partnership,

12 Plaintiff,

13 v.

14 LEE'S GENERAL TOYS, INC., a
California corporation, et. al.,

15 Defendants.
16

Civil No.07cv2391 JAH (POR)

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AND SETTING HEARING
DATE AND BRIEFING SCHEDULE
ON MOTION FOR PRELIMINARY
INJUNCTION**

17 Pending before the Court is Plaintiff's motion for a temporary restraining order filed
18 on December 20, 2007. Plaintiff seeks an order enjoining Defendants from promoting or
19 marketing their "Angelite" bathroom tissue products, which Plaintiff alleges, infringes its
20 "Angel Soft" trademarks. Plaintiff argues there is a significant chance Defendants will
21 destroy the products or relocate themselves if they are given prior notice of the motion for
22 temporary restraining order. Federal Rule of Civil Procedure 65(b) provides that:

23 A temporary restraining order may be granted without written or oral notice
24 to the adverse party or that party's attorney only if (1) it clearly appears
25 from specific facts shown by affidavit or by the verified complaint that
26 immediate and irreparable injury, loss, or damage will result to the applicant
27 before the adverse party or that party's attorney can be heard in opposition,
and (2) the applicant's attorney certifies to the court in writing the efforts,
if any, which have been made to give the notice and the reasons supporting
the claim that notice should not be required.

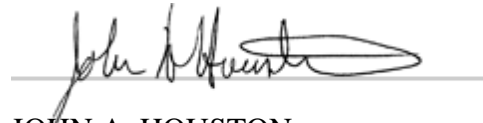
28 After a review of the motion, declarations filed in support and the complaint, the Court

1 finds insufficient facts showing that immediate and irreparable injury will result if
2 Defendant has an opportunity to respond to the motion.

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. A hearing on Plaintiff's motion for temporary restraining order will be held
5 before this Court in Courtroom 11 at 940 Front Street, San Diego,
6 California 92101 on **January 14, 2008 at 2:30 p.m.**
- 7 2. Defendants shall file and serve a response to the motion for temporary
8 restraining order **on or before January 7, 2008.**
- 9 3. Plaintiff shall file a copy of this order, the motion and declarations in
10 support on Defendants **on or before December 28, 2007.**

11
12 DATED: December 20, 2007

13
14 

15 JOHN A. HOUSTON
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28